

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2016

CORAM

THE HONOURABLE Mr.JUSTICE K.KALYANASUNDARAM

W.P.No.1382 of 2016

I.Prakash,
S/o.Iyyanar
No.718, 3rd Cross,
Amaithi Nagar,
Kurumampet,
Puducherry 605 009

... Petitioner

Vs

1. Union of India, Rep by its
Secretary to Government,
Chief Secretariat,
Government of Puducherry,
Puducherry
2. The Director General of Police
No.Dumas Street,
Puducherry - 605 001.
3. The Inspector General of Police,
No.Dumas Street,
Puducherry - 605 001.
4. The Superintendent of Police (North)
Jawaharlal Nehru Street,
Puducherry.
5. Thiagarajan,
Working as Sub Inspector of Police,
Odiansalai Police Station,
Puducherry

.. Respondents

Prayer: The Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take suitable disciplinary action against 5th respondent for his dereliction of his duty and for threatening the petitioner with dire consequences on the basis of the petitioners representation dated 16.12.2015.

For Petitioner	: Mr.M.Gnanasekar
For Respondents	: Mr.A.Tamilvanan
	Government Advocate (Puducherry)

O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition is filed for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to take suitable disciplinary action against the 5th respondent for his dereliction of his duty and for threatening the petitioner with dire consequences.

3. The petitioner would state that he is a practicing lawyer in the Union Territory(Puducherry) for nearly six years. On 13.12.2015 at about 8.30.p.m he approached the fifth respondent along with his client for the purpose of lodging a complaint. When the complaint was given, the fifth respondent refused to receive the same stating that the subject matter is a civil dispute. He further stated that he explained to the fifth respondent that it is a criminal matter and it has to be registered. But, the fifth respondent failed to receive the said complaint. Thereafter, the petitioner called the Director General of Police and Inspector General of Police, the respondents 2 and 3 herein and only after their intervention, the complaint was received by the fifth respondent. Even then, the fifth respondent failed to register the complaint. Therefore, the petitioner gave a complaint to the respondents 1 to 3 on 16.12.2015 to take action against the fifth respondent. Since it was not considered, the present Writ Petition has been filed.

4. Mr.M.Gnanasekaran, learned counsel appearing for the petitioner would submit that a person aggrieved had already filed a CrI.O.P.No.859 of 2016 before this Court to register the complaint and the same is still pending. It is further submitted that the petitioner who is a practicing lawyer accompanied with his client to lodge a complaint to the fifth respondent, where he was threatened by the fifth respondent. As Per Section 166 of the Indian Penal Code, if a public servant refused to perform his duty, he is liable to be punished for a period of one year and also imposed with fine.

5. In the instant case, it is not in dispute that the person alleged to have been aggrieved, by the action of the fifth respondent, had already filed a petition before this Court to register the case. As per Section 154(3) of Criminal Procedure Code, any person aggrieved by a refusal on the part of the Station House Officer to receive the complaint, may send the same in writing to the Superintendent of Police. Admittedly, the said procedure was not followed in this case.

6. In view of the admitted facts, I am of the opinion, the petitioner is not an aggrieved person and therefore he has no locus standi to maintain this Writ Petition. Further, I do not find any merit in this Writ Petition. Hence, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

srn

To

1. Union of India, Rep by its
Secretary to Government,
Chief Secretariat,
Government of Puducherry,
Puducherry
2. The Director General of Police
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Puducherry.
5. Thiyagarajan,
Working as Sub Inspector of Police,
Odiansalai Police Station,
Puducherry

+1cc to Mr.M. Gnanasekar, Advocate, S.R.No.2872
+1cc to the Government Pleader, S.R.No.3253

KJI (CO)
EU(4/03/2016)

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